**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU**
**&**
**THE HONOURABLE MR. JUSTICE K.M.JOSEPH**

**FRIDAY, THE 7TH DECEMBER 2007 / 16TH AGRAHAYANA 1929**

**WP(C).No. 34820 of 2007(S)**
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**PETITIONER:**
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**ADV. PAULACHAN PUTHUPARA,**
**AGED 53 YEARS,**
**S/O.JOSEPH,**
**ROOM NO.1, 1ST FLOOR,**
**NURUL HUDA MASJID BUILDING,**
**OPP.SPECIALIST HOSPITAL,**
**ERNAKULAM NORTH, KOCHI-18.**

**BY ADV. SRI. PAULACHAN PUTHUPPARA (PARTY IN PERSON)**

**RESPONDENTS:**
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1. **STATE OF KERALA,**
   **REP. BY CHIEF SECRETARY,**
   **SECRETARIAT,**
   **THIRUVANANTHAPURAM.**

2. **THE SECRETARY OF HOME,**
   **SECRETARIAT,**
   **THIRUVANANTHAPURAM.**

3. **THE DIRECTOR GENERAL OF POLICE,**
   **THIRUVANANTHAPURAM.**

4. **THE CITY POLICE COMMISSIONER,**
   **THIRUVANANTHAPURAM.**

5. **THE SUB INSPECTOR OF POLICE,**
   **CANTONMENT POLICE STATION,**
   **THIRUVANANTHAPURAM.**

6. **SRI. C.DIVAKARAN,**
   **MINISTER OF FOOD,**
   **THIRUVANANTHAPURAM.**

**7. K.P.RAJENDRAN,**
**MINISTER OF AGRICULTUR,**
**THIRUVANANTHAPURAM.**

**8. SRI.VELIYAM BHARGAVAN,**
**SECRETARY,**
**COMMUNIST PARTY OF INDIA,**
**THIRUVANANTHAPURAM.**

**9. SMT.RAKHI RAVEENDRAN,**
**MUNICIPAL COUNCILOR,**
**CORPORATION,**
**THIRUVANANTHAPURAM.**

**10. S.PREETHA,**
**WOMEN CONSTABLE,**
**CONTONMENT POLICE STATION,**
**THIRUVANANTHAPURAM.**

**BY ADDL.ADVOCATE GENERAL**
**SRI. VENGANOOR CHANDRASEKHARAN NAIR**

**SR. GOVT. PLEADER SRI. P.K. BABU.**
**SRI.M.SREEKUMAR**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**H.L. DATTU, CJ. & K.M. JOSEPH, J.**

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W.P.(C) No.34820 of 2007

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Dated this the 7th day of December, 2007.

**JUDGMENT**

**H.L.DATTU, CJ,**

Petitioner before us is an Advocate practicing in this court. He is also a social activist and he is dedicated for the maintenance of democratic values and rule of law. He is also a tax payer and a champion of public interest litigations.

2. In this petition filed under Article 226 of the Constitution of India, the petitioner requests this court to issue a writ of quo-warranto and declare that the respondent Ministers have violated the oath of office and had misused their official capacity and therefore, they are not eligible to continue as Ministers in the State Government. In support of the reliefs sought in the writ petition, the petitioner has narrated certain incidents, which is said to have taken place on 20.11.2007.

3. The City Police Commissioner, the fourth respondent herein, has filed a detailed affidavit. In that, he has stated that the Ministers had come to the Police Station, but did not direct the police authorities to release anyone of the persons, who are apprehended by the police authorities.

4. Petitioner has not filed any counter affidavit, disputing assertions made in the affidavit filed by the fourth respondent.

5. In view of this, in our opinion, it can be safely said that though the Ministers went to the Police Station, they did not direct the police authorities to release the persons, who were apprehended on 20.11.2007. Therefore, it cannot be said that they have misused their official position as Ministers of the State

Government by interfering with functions of the Police Officers. In that view of the matter, the reliefs sought for by the petitioner cannot be granted by this court. Accordingly, the writ petition requires to be rejected and it is rejected.

Ordered accordingly.

H.L. DATTU,
CHIEF JUSTICE

K.M. JOSEPH,
JUDGE

sb.